

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

DONALD J. STANLEY,

Plaintiff,

v.

WARDEN,

Defendant.

CAUSE NO. 3:19CV1097-PPS/MGG

OPINION AND ORDER

Donald J. Stanley, an inmate at the Westville Correctional Facility, filed a fourth motion seeking a preliminary injunction after I denied his third motion for preliminary injunction as moot. ECF 36; ECF 37. As noted in my earlier orders, Stanley is proceeding against the Warden of the Westville Correctional Facility on a single claim for injunctive relief to provide Stanley with adequate treatment for his sleep apnea, as required by the Eighth Amendment. In his third motion seeking a preliminary injunction, he indicates that his Continuous Positive Airway Pressure machine or “CPAP” was taken away from him on April 14, 2020. In response, the Warden’s counsel represented that, as of May 2, 2020, Stanley is no longer prohibited from using his CPAP machine. Stanley’s fourth motion for a preliminary injunction disputed this, indicating that the power cord was returned to him (which was how they were preventing him from using the machine), but staff then took the humidifier because he was prohibited from using the humidifier due to Covid-19. Furthermore, without the humidifier in place (with or without water) Stanley asserts that the CPAP machine will not function. In response to

this assertion, I sought a further response from the Warden. The Warden has stated that, while the humidifier was confiscated until May 11, 2019, it was returned on that date and that Stanley now has access to his CPAP machine with the humidifier enabled. ECF 42. Stanley is no longer prohibited from using his CPAP machine.

ACCORDINGLY:

Because his concern has now been addressed, plaintiff Donald J. Stanley's fourth motion for preliminary injunction (ECF 37) is DENIED as moot.

SO ORDERED on May 14, 2020.

/s/ Philip P. Simon  
JUDGE  
UNITED STATES DISTRICT COURT